

EXHIBIT A



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SUBMITTED UNDER SEAL: REFERENCES CONFIDENTIAL INFORMATION

January 22, 2008

BY FACSIMILE (W/O EXHIBITS) AND HAND DELIVERY

The Honorable James C. Francis IV
United States Magistrate Judge, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1960
New York, New York 10007-1312

Re: **Adams, et al., v. City of New York, et al. 05 CV 9484 (RJS) (JCF)**

Dear Judge Francis:

The following sets forth the discovery issues in the captioned matter. The legal argument supporting the relief requested herein is set forth in the accompanying letter under my signature.

I. Discovery of Plaintiffs' Mental Health Histories.

Plaintiffs Aronowsky, Benson, Doxtader, Flaton, Mitrano, Rubinfeld, Shotwell, and Stipe Have Not Provided the Required Releases for their Mental Health Treatment so their Emotional Distress Claims Should be Dismissed.

1. Aronowsky, Sabine –Aronowsky alleges emotional distress damages as a result of her RNC arrest and detention. She has failed to provide a release for a provider, who treated her after the arrest for her sleep deprivation. She alleges the sleep deprivation was a result of her emotional distress from the arrest. Accordingly,

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plaintiff Aronowsky's emotional distress claims should be dismissed with prejudice.¹

2. Benson, Christopher – Benson alleges emotional distress damages as a result of his RNC arrest and detention. Benson failed to provide a release for his therapist(s). During his August 10, 2007 deposition, he testified that he is transgendered, and because he is in transition, he was in psychotherapy. Benson also failed to provide any pharmaceutical releases. Accordingly, plaintiff Benson's emotional distress claims should be dismissed with prejudice.²
3. Doxtader, Ryan – Doxtader alleges emotional distress damages as a result of his RNC arrest and detention. He has received mental health counseling but declines to provide the required releases. Accordingly, Doxtader's emotional distress claims should be dismissed with prejudice.³
4. Flaton, Marlene – Flanton alleges emotional distress as a result of her RNC arrest and detention. She has received mental health counseling and has provided releases for two of her providers (Drs. Shertok and Kabar). Flanton has indicated she has received psychiatric treatment from other providers but she has failed to identify them or provide any releases. Accordingly, her claims for emotional distress should be dismissed with prejudice.⁴
5. Mitrano, Erica – Mitrano alleges emotional distress damages as a result of her RNC arrest and detention. She has received mental health counseling but declines to provide the required releases. Accordingly, Mitrano's emotional distress claims should be dismissed with prejudice.⁵
6. Rubinfeld, Denise – Rubinfeld alleges emotional distress damages as a result of her RNC arrest and detention. She has received mental health counseling but

¹ See Second Amended Complaint at ¶¶ 20, 23, 26, 29, 32, and 35. ("As a result of the foregoing [arrest and detentions], plaintiffs . . . suffered . . . emotional distress and psychological injury [and] great humiliation"). Plaintiff's Second Amended Complaint is attached as Ex. A. See also selections of Aronowsky's October 22, 2007 deposition transcript attached as Ex. B at p. 96.

² See Ex. A. See also selections of Benson's deposition transcript attached as Ex. C at pp. 108-109.

³ See Ex. A. See also Letter of Michael L. Spiegel dated February 16, 2007 indicating Doxtader declines to provide releases for his psychiatric treatment. The February 16, 2007 letter is attached as Ex. D.

⁴ See Ex. A. See also Ex. D (indicating Flanton sought counseling from unidentified providers).

⁵ See Ex. A. See also Ex. D (indicating Mitrano declines to provide releases).

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declines to provide the required releases. Accordingly, Rubinfeld's emotional distress claims should be dismissed with prejudice.⁶

7. Shotwell, Alexis – Shotwell alleges emotional distress damages as a result of her RNC arrest and detention. She has received mental health counseling but declines to provide the required releases. Accordingly, Shotwell's emotional distress claims should be dismissed with prejudice.⁷
8. Stipe, Sada – Stipe alleges emotional distress damages as a result of her RNC arrest and detention. She has received mental health counseling but declines to provide the required releases. Accordingly, Stipe's emotional distress claims should be dismissed with prejudice.⁸

II. Discovery of Plaintiffs' Physical Injuries.

Plaintiff Geocos Belatedly Provided A Release for Her Physical Injuries so She Should be Required to Appear for a Continued Deposition.

1. Geocos, Amelia – Geocos alleges that her pre-existing stomach illness and pains were exacerbated by her RNC arrest and detention. Although she was deposed on June 27, 2007, defendants were not provided with a release for these records until January 10, 2008. Accordingly, defendants seek to re-depose the plaintiff based on these records.⁹

III. Discovery of Plaintiffs' Non-RNC Arrests.

Plaintiffs Adamson, Beibin, Benson, Cody, Corley, Doxtader, Goldstein, Hurley, O'Dierno and Lara Have Not Provided Releases for their Non-RNC Arrests so their Claims Should be Dismissed.

1. Adamson, Thomas – Adamson failed to provide releases for his pre-RNC arrests in Florida. Adamson testified that he was arrested twice for driving under the influence and once for possession of marijuana. Adamson failed to provide releases for these arrests. Accordingly, his emotional distress claims should be dismissed.¹⁰

⁶ See Ex. A. See also Ex. D (indicating Rubinfeld declines to provide releases).

⁷ See Ex. A. See also Ex. D (indicating Shotwell declines to provide releases).

⁸ See Ex. A. See also Ex. D (indicating Stipe declines to provide releases).

⁹ See selections of Geocos' deposition are attached as Ex. E at pp. 199-202.

¹⁰ See selections of Adamson's deposition testimony are attached as Ex. F at pp. 44-49.

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8. grant such further relief as it deems just and proper.

Respectfully submitted,

/s/

Jeffrey A. Dougherty

cc: Michael L. Spiegel, Esq.